

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2015020963

ORDER GRANTING CONTINUANCE
OF PHC ONLY AND DENYING
CONTINUANCE OF HEARING

On May 13, 2015, the parties filed a joint second request to continue the dates in this matter. No reason was stated other than ongoing settlement discussions. The parties had previously stipulated to a continuance, from the originally scheduled hearing date, to the three upcoming hearing days on May 26-28, 2015, and pre-hearing motions and oppositions have been filed in preparation for those dates. The parties participated in mediation on May 12, 2015. No reason has been stated as to why additional time is required.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances.

The request is granted as to a continuance of the PHC only, and is denied as to the continuance of the hearing dates, which will remain as scheduled:

New Prehearing
Conference Date:

May 18, 2015 at 3:00 PM

Due Process Hearing
confirmed, remaining as
scheduled:

May 26, 2015 at 1:30 PM, May 27-28, 2015 at 9:00
AM, and continuing day to day, Monday through
Thursday, as needed at the discretion of the
Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 13, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings